In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.3824 of 1983.

Date of decision:14-11-2007.

Punjab State through Executive Engineer, Hydel Mechanical Division No.II,Nangal Township and another.

...Petitioners.

Versus

Industrial Tribunal, Punjab,Chandigarh and another.

...Respondents.

...

Coram: Hon'ble Mr. Justice K. C.Puri.

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Present: Mr.Parveen Goyal, Senior Deputy Advocate General
Punjab for petitioner No.1.

Mr.H.S.Riar, Senior Advocate with Mr. D.P.S.Kahlon,
for Punjab State Electricity Board, petitioner No.2.

Mr. J.C.Verma, Senior Advocate with Ms.Meenakshi Verma,
Advocte for respondent No.2.

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K. C.Puri, J.

Judgment.

Under challenge in this Civil Writ Petition filed by the Punjab State through Executive Engineer, Hydel Mechanical Division No.II, Nangal Township and the Punjab State Electricity Board under Articles 226 and 227 of the Constitution of India is the award of Industrial Tribunal, Punjab,Chandigarh dated 25.2.1983, Annexure P-9. The petitioners pray to quash the said award.

The Punjab Government vide notification No.ID/RP/20-J-81dated 2.11.1983 referred the following dispute for adjudication:-

"Whether the workmen working on the Project are entitled to allowance on the revised pay? If so, with what other details?

It is pleaded before the Tribunal that the workmen were regular work-charged employees of Punjab Government working at Anandpur Sahib Hydel Project. The Punjab Government has revised/enhanced the rate of project allowance of their employees working at Shahpur Kandi, Thein Dam Projects vide letterNo.2088-BNE(i)80/10661 dated 20.2.1980. Similarly, the project allowance of the employees of Punjab State Electricity Board (in short PSEB) working at the Ropar Thermal Plant Project has also been enhanced vide letter No.318/Finance, dated 1.4.1980. It is further pleaded that enhanced project allowance is also being paid to the workmen of other sister Projects i.e. Shanan Extension Project, Joginder Nagar, Guru Nanak Dev Thermal Plant, Ropar, Thein Dam Shahpur Kandi etc. but the workmen at Anandpur Sahib Hydel Project have been deprived of the benefit of enhanced project allowance as allowed by the Pay Commission and adopted by the P.S.E.B. They alleged discrimination as the workmen working on the same Projects are given different project allowance. The living conditions of workmen at Anandpur Sahib Hydel Project are much more difficult and hazardous than the conditions of living of workmen of other sister projects, referred to above.

In the written statement, the respondents besides raising some preliminary objections,pleaded that in their demand notice, the Union had demanded enhancement in the project allowance for the workers working on Anandpur Sahib Hydel Project but the Labour Commissioner referred the

issue as to whether the project allowance was admissible to the workers on the revised pay. As such,it was pleaded that the reference was illegal as it is not based on the demand notice given by the Union. It has been further pleaded that the project allowance cannot be raised to 12-1/2% or to a minimum of Rs.50/-as the work on the Anandpur Sahib Hydel Channel cannot be compared to that of Shahpur Kandi Project because the conditions of living on both the project are different.

From the pleadings of the parties, the following issues were framed:-

1.Whether the workmen working on the Project are entitled to project allowance on the revised pay?

2.If so,with what other details (O.P.on workmen).

The learned Tribunal, after appraising the evidence led by both the parties came to the conclusion that the workmen working on Anandpur Sahib Hydel Project are also entitled to project allowance on revised pay as given to the P.S.E.B employees.

Feeling dis-satisfied with the above-said award,the State of Punjab through Executive Engineer and the Punjab State Electricity Board have preferred the present writ petition with the prayer to quash the impugned award of the Industrial Tribunal, Punjab, Chandigarh, Annexure P-9.

Learned counsel for the petitioners has submitted that the learned Tribunal has itself observed that living conditions of workmen of Punjab Government working at Anandpur Sahib Hydel Project cannot be equated with the Punjab Government workmen working at Shahpur Kandi Thein Dam Project. It is further submitted that respondent No.2 has been

granted project allowance for working at Anandpur Sahib Hydel Project. The learned Tribunal has wrongly allowed the project allowance available to the P.S.E.B workmen. It is further submitted that the observation of the learned Tribunal that there should be equal pay for equal work, which has been violated, cannot be accepted. There could be comparison between same set of employees working in the same department. The question of discrimination could only arise if some of the workmen working at the same project are given more project allowance than the others. However, the workmen of the P.S.E.B cannot be equated with the employees of the Punjab Government. The Punjab Government is a different organization than the P.S.E.B. The workmen of two organizations cannot be equated for the purpose of grant of project allowance. To fortify the above-said contentions, the learned counsel for the petitioner has placed reliance on two decisions of the Hon'ble Supreme Court rendered in Writ Petition (Civil) No.548 of 1987 titled **Harbans Lal and others Versus The State of Himachal Pradesh and others** and Civil Appeal No.56 of 1987 titled as **State of U.P. and others Versus U.P. Chaurasia and others.**

In reply to the above-said submissions, Shri J.C.Verma, Senior Advocate appearing on behalf of respondent No.2 has supported the award of learned Tribunal and submitted that the decisions rendered in cases in **Harbans Lal and others and State of U.P and others** (supra) are distinguishable as none of these rulings relate to grant of project allowance at the same project. No doubt, P.S.E.B is a Corporation but is directly under the State Government and as such the learned Tribunal rightly held that workmen of State of Punjab are entitled to the same project allowance as has been allowed to the workmen of P. S.E.B. He has also relied upon the

decision of this Court given in L.P.A.No.514 of 2002 titled as **Balwant Singh and others Versus the State of Haryana and others.**

I have considered the submissions made by the learned counsel for the parties and have gone through the record of the case.

The learned counsel for the petitioner has relied upon authority reported as **Harbans Lal** (supra) and on the strength of the same, it has been submitted that grant of different pay-scale to the employees of different organizations is not discriminatory. I have carefully considered the said submissions but do not find any legal force in the same. No doubt, different pay-scale can be granted to set of employees working in a different organization, but in the present case, the controversy involved is regarding grant of project allowance to the employees of the P.S. E.B and State of Punjab. It is not disputed that project allowance granted to the P.S.E.B employees is little more than the project allowance granted to the employees working on Anandpur Hydel Project. Normally, the P.S.E.B adopt the pay-scales announced by the State of Punjab. The workmen of P.S.E.B and State of Punjab having the same status were working on the Anandpur Sahib Hydel Project. They were performing the same function and it is not the case of the petitioners that there was any difference in duties assigned to set of employees of both the organizations. So, in these circumstances, the learned Tribunal Court has rightly held that employees of P.S.E.B and State of Punjab cannot be discriminated regarding grant of project allowance. So far as authority reported in **Balwant Singh'** case (supra), relied upon by the counsel for the respondents is concerned, that relates to grant of pay-scale to Translators, Senior & junior of Haryana Vidhan Sabha and is not applicable to the facts of the present case. However, the fact remains that order of the

learned Tribunal Court does not suffer from any infirmity and does not deserve interference in the present writ petition. So, the above point stands determined against the petitioners.

Consequently, the present petition under Articles 226/227 of the Constitution is without any merit and the same stand dismissed, but no order as to costs.

November 14 ,2007 (K. C. Puri)
Jaggi Judge